

City of Cincinnati



Interdepartmental
Correspondence Sheet

Date 1/9/02

FOR YOUR INFORMATION

To Mayor and Members of City Council

From Timothy H. Riordan, City Manager (Acting)

Copies to Betty Baker, Acting Deputy City Manager, Colonel Thomas H. Streicher Jr., Police Chief, S. Gregory Baker, Acting Director of Safety

Subject Administrative Review Process for Police Officers Involved in Police Intervention Deaths

The following report details the administrative review process for police officers involved in police-intervention deaths after having any related criminal charges resolved. The process is consistent with the policies of the Police Division, the City of Cincinnati, and the collective bargaining agreement with the Fraternal Order of Police, Queen City Lodge #69. The approximate timelines are indicated in brackets.

1. The review of relevant information and follow-up investigation is performed by Internal Investigations Section
[8 weeks]:
 - a. Review of the investigative reports prepared by the Homicide Unit which includes witness interviews, crime scene photographs/sketches, autopsy report, laboratory reports of examinations of physical evidence, etc.,
 - b. Review of court transcripts,
 - c. Interviews of both Municipal and Common Pleas prosecutors.
 - d. Interviews of Homicide Unit investigators, principal officers, and any other witnesses as necessary.
 - e. Consultation/interview of subject matter experts [e.g. Training Section personnel].
2. Following this investigative process, a report is prepared with recommendations for administrative action and is submitted to the Police Chief. [2 weeks]

It is estimated that the Internal Investigation Unit's final report will be submitted by the Administrative Bureau to the Police Chief by early March 2002.

3. The Chief reviews the report for completeness and accuracy.
4. If the Police Chief sustains a finding of misconduct, a Division Level Hearing is held by a Hearing Officer designated by the Police Chief. If the Hearing Officer determines that the charges are not sustained subject to review and approval by the Police Chief, no disciplinary action will be taken. This does not preclude counseling, training, or administrative action of a non-punitive nature. [4 weeks]

5. If the Hearing Officer sustains the charges, he will recommend either corrective measures or disciplinary action to the Police Chief. If conduct is deemed less serious, a reprimand or other corrective action can be taken. [2 weeks]
6. If the disciplinary recommendation is that of a suspension or greater, a Form 32 (Notice of Disciplinary Action) is completed and processed. The Form is reviewed by the Safety Director, the Human Resources Director, the Law Department and the City Manager. [3 weeks]
7. If the Police Chief does not sustain the Hearing Officer's findings, the report is returned to the Administrative Bureau for further investigation and revision. If the Chief determines that there is no misconduct and no deficiency in performance, the matter is closed without further action.
8. If the administrative review process finds policy violations and recommends any disciplinary action, an appeal process is available for the officers.
 - a. If the disciplinary action is a Written Reprimand up to a three-day suspension, it can be appealed through the Peer Review process or through Civil Service Commission. [4 weeks]
 - b. If the discipline is more than a three-day suspension, but less than termination, it can be appealed through arbitration. [6-8 months]
 - c. Termination of the officer can be appealed through arbitration or Civil Service Commission, but not both. [6-8 months]

Both the Office of Municipal Investigations (OMI) and the Citizens Police Review Panel (CPRP) have the ability to review the cases. The CPRP is authorized to review all investigations of alleged police misconduct for the purpose of evaluating the thoroughness, accuracy, credibility and unbiased nature of such investigations. The OMI is an investigative office under the City Manager which has the responsibility to investigate and inquire into the serious misconduct of any city employee or other person who contracts in writing with the city. The Municipal Investigations Manager must immediately commence and conduct an investigation into any shots fired by a police officer.

The estimated timeline in this report is a general timeline for this process. There may be some variation as the process moves forward. If there are any changes in the estimated completion date, City Council will be notified.

APPROVED:

Timothy H. Riordan
Acting City Manager